

### **REMARKS**

Favorable reconsideration and allowance of the present application is respectfully requested.

In the Office Action, a restriction requirement was placed on the original claims. Specifically, restriction was required between claims 1-20 (Group I, elastomeric article) and claims 21-35 (Group II, method for forming an elastomeric article). Applicants provisionally elected to prosecution the claims of Group I, and hereby affirm this election.

Currently, claims 36-70, including independent claims 36, 54, and 67, are pending in the present application. For example, independent claim 36 is directed to an elastomeric article that comprises a substrate body and a chemical protection layer that overlies an outside surface of the substrate body. The chemical protection layer is formed from a polymeric material that consists essentially of at least one crosslinked, modified-silicone elastomer. The crosslinked modified-silicone elastomer imparts relative chemical resistance to the elastomeric article. In addition, the article may also include an optional outer layer that overlies the chemical protection layer.

As noted above, independent claim 36 also requires that the substrate body include a layer made of at least one elastomeric block copolymer (e.g., S-EB-S triblock copolymer). However, in the Office Action, original dependant claim 9 (which required the presence of a S-EBS triblock copolymer) was rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,993,923 to Lee in view of U.S. Patent No.

6,730,380 to Littleton, et al.<sup>1</sup> Specifically, it was stated that Lee disclosed a substrate body and a chemical protection layer that included at least one crosslinked, modified-silicone elastomer, and that Littleton, et al. disclosed that the substrate body may contain at least one styrene-ethylene-butylene-styrene (S-EB-S) triblock copolymer. The reason for combining these references was said to be that "it is old and well known in the analogous art to have an elastomeric material of a substrate body containing at least one styrene-ethylene-butylene-styrene triblock copolymer . . . for the purpose of producing an elastomeric article such as a glove."

Applicants note, however, that the level of skill in the art cannot be properly relied upon to provide the suggestion to combine references. See e.g., M.P.E.P. §2143.01, p. 2100-131. Moreover, a statement that modifications of the prior art to meet the claimed invention would have been well within the ordinary skill of the art at the time the claimed invention was made because the references relied upon teach that all aspects of the claimed invention were individually known in the art is also not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. In the instant case, the Office Action merely indicates that it is well known to use S-EB-S polymers to manufacture gloves. Even if true, no motivation or suggestion would have been provided to utilize the particular elastomeric block copolymer of Littleton, et al. in Lee. Instead, it appears that the only rationale is

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<sup>1</sup> Applicants note that Littleton, et al. was published on May 4, 2004 and is thus not prior art to the present application under §102(b). Nevertheless, Applicants wish to bring WO/0009320 to the attention of the Examiner, which is the corresponding PCT application of U.S. Patent No. 6,730,380 (published on February 24, 2000). The designation "Littleton, et al." hereinafter refers to WO/0009320.

based on the notion that it would have been "obvious to try" such an elastomeric block copolymer, which is improper under 35 U.S.C. §103(a).

Nevertheless, even if the above-cited references are somehow combinable, the resulting combination would still fail to disclose one or more aspects of independent claim 36. For example, Lee is directed to acrylic-based copolymers that coat and firmly adhere to a surface of a rubber article. The acrylic-based copolymers are formed of at least one reactive low surface energy monomer (preferably copolymerizable silicone oligomers), at least one alkyl acrylate, and at least one hard monomer. (Col 4, ll. 18-21). As noted above, independent claim 36 requires the presence of at least one crosslinked "modified silicone" elastomer. The present specification indicates that the term "modified silicone" generally refers to a broad family of synthetic polymers that have a repeating silicon-oxygen backbone with organic groups attached to the backbone (pendant and/or terminating). (Appl. p. 8, ll. 16-19). This is substantially different than the emulsion "acrylic copolymer" of Lee, which requires a reactive low surface energy monomer, alkyl acrylate, and hard monomer to form the polymer.

Lee does contemplate the use of vinyl-addition silicone with the acrylic-based emulsion copolymer. Specifically, Lee indicates that vinyl-functional silicone polymers may be utilized that are polydimethyl siloxanes in which some of the methyl groups are substituted with vinyl groups or groups of vinyl unsaturation. (Col. 9, ll. 36-59). When utilized, the vinyl-addition silicone polymers may be present in an amount up to about 30% by weight based on the weight of the system. (Cols 8-9). However, independent claim 36 requires that the chemical protection layer include a polymeric material "consisting essentially of" the crosslinked modified-silicone elastomer(s). Thus,

although the polymeric material may contain certain minor ingredients (e.g., fillers; processing aids; additives; pigments; etc.), claim 36 specifically excludes the presence of the emulsion copolymer of Lee. Accordingly, Applicants respectfully submit that independent claim 36 patentably defines over Lee, taken alone or in any proper combination with Littleton, et al.

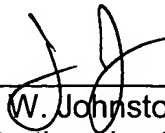
Applicants also respectfully submit that, at least for the reasons indicated above, independent claims 54 and 67, as well as dependent claims 37-53, 55-66, and 68-70, also patentably define over the references cited. The patentability of claims 37-70, however, certainly does not hinge on the patentability of independent claim 36. In particular, some or all of these claims are believed to possess features that are independently patentable, regardless of the patentability of claim 36.

In summary, Applicants respectfully submit that the present claims patentably define over the prior art of record for at least the reasons set forth above. As such, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Simone is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

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